

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CRAIG BALIUS AND CAROL BALIUS

PLAINTIFFS

V.

CIVIL ACTION NO. 1:07CV674-LTS-RHW

STATE FARM VP MANAGEMENT CORP.,
STATE FARM FIRE AND CASUALTY COMPANY,
STATE FARM GENERAL INSURANCE COMPANY,
ANY STATE FARM INSURANCE COMPANY AFFILIATE,
AND JOHN DOES A-Z

DEFENDANTS

ORDER

Plaintiffs originally filed a Complaint in state court naming, among others, State Farm VP Management Corporation and State Farm General Insurance Company as Defendants. This cause of action was [1] removed to this Court on June 4, 2007. State Farm VP Management Corporation and State Farm General Insurance Company filed a [8] Motion to Dismiss on the principal grounds that they did not sell or issue a policy of insurance to Plaintiffs, and that they played no role in the adjustment, investigation, or denial of Plaintiffs' claims. This position is supported, at least by State Farm VP Management Corporation, by the affidavit of its Vice-President (Financial)/Secretary. These Defendants point to the fact that there are no substantive claims made against them in the entire body of the Complaint, which refers to all Defendants generically as State Farm. Defendant State Farm Fire and Casualty Company has been served with process, and [6] filed an Answer.

Plaintiffs have not submitted a response to the [8] Motion. Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed." In addition, this Court has addressed a similar issue with respect to State Farm VP Management Corporation and State Farm General Insurance Company (*Brennan v. State Farm VP Management Corp., et al.*, No. 1:07cv476; *see also Hartness v. State Farm Insurance Companies, et al.*, No. 1:07cv79), and terminated them as parties.

In light of the above, **IT IS ORDERED:**

State Farm VP Management Corporation's and State Farm General Insurance Company's [8] Motion to Dismiss is **GRANTED**, and said Defendants are hereby **DISMISSED** from this cause of action, **WITHOUT PREJUDICE**.

SO ORDERED this the 31st day of July, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE